

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

TASTEE TREATS, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00338

UNITED STATES FIDELITY AND
GUARANTY COMPANY,

Defendant.

ORDER

At a telephonic status conference held on Friday, December 3, 2010, the Court instructed Plaintiff Tastee Treats, Inc., to submit written notice to the Court of its intentions with regard to the testimony of its engineering expert and economic expert. The testimony of those experts is the subject of two motions in limine filed by Defendant United States Fidelity and Guaranty Company, and, in the wake of the Court's memorandum opinion and order granting in part both of Defendant's summary judgment motions (Docket 159), the parties were uncertain of the worth of those experts' testimony.

On December 20, 2010, Plaintiff submitted a letter to the Court, in which Plaintiff expressed its intent to use both experts' testimony to prove the remaining damages available to Plaintiff. In addition, Plaintiff requested time to make additional expert disclosures, citing the duration of this litigation and recent developments in the direction of the case as good reasons for the extension.

On December 22, 2010, Defendant responded to Plaintiff's letter, expressing its opposition to additional expert disclosures and requesting permission to supplement its motions in limine to exclude or limit the testimony of Plaintiff's engineering and economic experts.

The Court interprets Plaintiff's request as a motion for an extension to make additional expert disclosures. Accordingly, the Court **ORDERS** that both letters be filed in the above-styled case as a motion for additional expert disclosures and a response to that motion, respectively. The Court **GRANTS** Plaintiff's motion to make additional expert disclosures and **ORDERS** that all such expert disclosures shall be made no later than **Friday, January 28, 2011**.

All remaining dates and deadlines contained in the previous Scheduling Order, entered on December 7, 2010 (Docket 162), remain in effect. Defendant is free to file a supplement to its previous motions in limine, provided the supplementation is filed by **Tuesday, March 1, 2011**, the date established by the current Scheduling Order.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 3, 2011

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE